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12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF ARIZONA

15 United States of America,

16 Plaintiff,

17 v.

18 Barrett Firearms MFG CO 82A1,  
19 Rifle CAL:50 BMG, Serial Number  
20 AA013938,

21 Defendant *in Rem*.

Case No.

**VERIFIED COMPLAINT FOR  
FORFEITURE *IN REM***

22 Plaintiff United States of America brings this complaint and alleges as follows in  
23 accordance with Rule G(2) of the Federal Rules of Civil Procedure, Supplemental Rules  
24 for Admiralty or Maritime Claims and Asset Forfeiture Actions:

25 **BASIS FOR FORFEITURE**

26 1. This is a civil action *in rem*, brought to enforce the provisions of 18 U.S.C.  
27 § 924(d) for the forfeiture of a firearm involved in a violation of 18 U.S.C. §§ 922(a)(6)  
28 and 924(a)(1)(A).

**JURISDICTION AND VENUE**

2. This Court has jurisdiction because the United States commenced this  
action and because it seeks forfeiture. 28 U.S.C. §§ 1345, 1355(a). Venue is proper in

1 this District because acts or omissions giving rise to forfeiture occurred in this District.  
2 28 U.S.C. § 1355(b)(1)(A).

3 **DEFENDANT IN REM**

4 3. The Defendant *in Rem* consists of a Barrett Firearms MFG CO 82A1 Rifle  
5 CAL:50 BMG, Serial Number AA013938 (the “Barrett”).

6 4. The Barret was both seized and is currently in custody in Phoenix, Arizona.

7 **BACKGROUND**

8 5. On April 7, 2022, the Bureau of Alcohol, Tobacco, Firearms and  
9 Explosives (ATF) Special Agents (SA) were notified of suspicious activity by an out-of-  
10 state Federal Firearms License (FFL).

11 6. During the pendency of that investigation, the ATF SA Matias Santome  
12 learned that, on April 7, 2022, an individual by the name of Enrique Gonzales-Quintero  
13 (GONZALES-Quintero) placed on online order for a Barrett .50 caliber rifle for  
14 \$8,799.99 from D&L Hunting and Outdoor Lodge, a Federal Firearms Licensee (FFL) in  
15 Rhode Island. The transaction was conducted online via the website gunbroker.com.

16 7. With \$75 for shipping and \$862.40 in taxes and fees, the total purchase  
17 price was \$9,737.39.

18 8. Because GONZALES does not reside in Rhode Island, after receiving  
19 payment, D&L Hunting and Outdoor Lodge shipped the firearm to West Valley Pawn &  
20 Gold, an Arizona FFL, in order to complete the transaction in Arizona.

21 9. ATF SA Santome contacted West Valley Pawn & Gold and learned that  
22 GONZALES-Quintero was scheduled to pick up the Barrett on April 14, 2022.

23 10. SA Santome reviewed GONZALES’s criminal history record and found  
24 that on August 3, 2016, GONZALES-Quintero pled guilty to Possession of Narcotic  
25 Drugs for Sale, a class two felony, in violation of A.R.S. §13-3408, 3401, 701, 702, 801  
26 and 13-811 committed on or about May 29, 1996, in Arizona Superior Court, Maricopa  
27 County case number CR2006-010842-001. GONZALES-Quintero was represented by  
28 counsel.



1 making false statements on the form is a crime; and (c) that he/she understands that if  
2 he/she answers in the affirmative to certain questions, including the question about  
3 having been convicted of a felony stated in paragraph 14(a) above, that he/she is  
4 prohibited from receiving or possessing a firearm.

5 18. Using the ATF Form 4473, the FFL enters the information provided by the  
6 buyer into the National Instant Criminal Background Check System (NICS).

7 19. GONZALES-Quintero, entered West Valley Pawn & Gold to pick up the  
8 Barrett on April 14, 2022.

9 20. While in the store GONZALES-Quintero completed and signed ATF Form  
10 4473. On the form, he stated that he was the actual transferee/buyer of the Barrett and  
11 that he has never been convicted of a felony or any other crime for which the judge  
12 could have imprisoned him for more than one year

13 21. West Valley Pawn & Gold entered GONZALES-Quintero's information  
14 into NICS to conduct the background check and it came back as "Denied," prohibiting  
15 the transfer of the firearm.

16 22. As of April 14, 2022, GONZALES-Quintero had not filed any paperwork  
17 Requesting to restore his right to possess firearms or set aside this conviction.

18 **CONTACT WITH GONZALES-QUINTERO**

19 23. Knowing that GONZALES-Quintero was supposed to retrieve the Barret,  
20 law enforcement set up surveillance in the parking lot of West Valley Pawn & Gold on  
21 April 14, 2022.

22 24. At approximately 5:10pm, law enforcement observed a brown GMC Sierra  
23 bearing Arizona license plate number ATZ1765 registered to GONZALES-Quintero in  
24 the parking lot area of West Valley Pawn & Gold.

25 25. At approximately 6:10pm, surveillance personnel observed GONZALES-  
26 Quintero exit the store, enter his vehicle, and drive away.

1           26. ATF SAs Santome and Atzmiller learned that GONZALES-Quintero had  
2 been denied the sale of the firearm based on his criminal record during the NICS  
3 background check.

4           27. Shortly thereafter, an Arizona Department of Public Safety trooper  
5 observed GONZALES-Quintero make an unsafe lane change and stopped him for this  
6 offense.

7           28. ATF SAs Santome and Atzmiller responded to the traffic stop.

8           29. After identifying himself as an ATF SA, SA Santome interviewed  
9 GONZALES-Quintero who said, among other things, the following:

- 10           a) When asked what he was doing at the pawn shop, GONZALES-  
11           Quintero stated he was “trying to buy a big gun just for the hell of it.”  
12           b) When asked if he had ever purchased a firearm before, GONZALES-  
13           Quintero stated that he had not.  
14           c) When asked what firearm he was trying to buy, GONZALES-Quintero  
15           stated it was a .50 caliber, but provided an incorrect and nonexistent  
16           model.  
17           d) GONZALEZ-Quintero stated that he was going to keep the Barrett for  
18           a while and referred to it as an “investment”  
19           e) GONZALEZ-Quintero also referred to the Barret as a “toy.”  
20           f) GONZALEZ-Quintero stated, referring to the Barret, that “nobody  
21           needs a gun like that if you’re not in the armed forces if you’re not at  
22           war.”  
23           g) When asked if he had been arrested before, GONZALES-Quintero  
24           admitted that he had been arrested many years ago and gave the false  
25           name Ricardo/Richard Chavez.  
26           h) GONZALES-Quintero recalled turning himself in to law enforcement  
27           many years later.  
28

1 i) When asked if he pled guilty to drug charges, GONZALES-Quintero  
2 said yes, although he stated that he thought the charge was reduced to a  
3 misdemeanor due to the length of time that had passed between arrest  
4 and conviction.

5 j) When asked if he was sentenced to probation based on the charges,  
6 GONZALES-Quintero said yes.

7 30. In SA Santome's training and experience, it is unlikely for a person to  
8 purchase this type of firearm for approximately \$9,000 and be unable to identify its  
9 model.

10 **SEIZURE OF THE BARRETT**

11 31. After speaking with GONZALES-Quintero, ATF SAs traveled to West  
12 Valley Pawn & Gold and seized the Barrett

13 32. On May 16, 2022, ATF commenced administrative forfeiture.

14 33. On June 20, 2022, GONZALES-Quintero filed a claim to the Barrett with  
15 ATF.

16 **CLAIM FOR RELIEF**

17 34. The defendant *in rem* is subject to forfeiture pursuant to 18 U.S.C. §  
18 924(d) as it is a firearm involved in a violation of providing materially false information  
19 to a Federal Firearms Licensee in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(1)(A).

20 WHEREFORE, the United States of America prays that process issue for an  
21 arrest warrant *in rem* of the defendant property; that due notice be given to all parties to  
22 appear and show cause why the forfeiture should not be decreed; that judgment be  
23 entered declaring the defendant property be forfeited to the United States of America for  
24 disposition according to law; and that the United States of America be granted such  
25 other and further relief as this Court deems just and property, together with the costs and

26 ///

27 ///

1 disbursements of this action.

2 DATED this 16<sup>th</sup> day of September 2022.

3 GARY M. RESTAINO  
4 United States Attorney  
5 District of Arizona

6 /S/ Jennifer F. Levinson  
7 JENNIFER F. LEVINSON  
8 Assistant United States Attorney  
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